IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.7712 of 2006

Rohit Rajendra Prasad Petitioner.
Vs
State of Maharashtra & Ors. ..Respondents

Mr. R.K Mendadkar with Mrs Helen Mandlik for the petitioner.

Mr. P.M.Patil, Asst.Government Pleader for respondents

CORAM: H.S. BEDI, C.J. , &
V.M.KANADE, J.

DATE: 13th December, 2006.

P.C.:-

The order impugned before us is dated 2nd November, 2006 made by the Caste Scrutiny Committee invalidating the petitioner's claim that she belongs to Kori, Scheduled Caste. The only issue that has been raised by the petitioner is that the Scrutiny Committee was not properly constituted as one of its members Smt Valsa Nair Singh who was the chairman of the Committee, had been transferred to another post long back before the aforesaid order was made but nevertheless she had signed the order subsequently in that capacity. We find merit in the contention of the petitioner. Concededly Smt Valsa Nair Singh had ceased to be the chairman of the committee on the date when she signed the

order i.e. 2nd November, 2006. We accordingly quash the impugned order and direct the Scrutiny Committee to pass fresh order after hearing the petitioner in accordance with law within a period of three months from the date of receipt of the certified copy of this order. In case the order of the Committee is adverse to the petitioner, the same shall not be given effect to for a period of three weeks thereafter. Needless to state that during the interregnum period, the petitioner shall be allowed to prosecute her studies with respondent No.4 college, who shall take all consequential actions thereunder.

Petition stands disposed of accordingly with no order as to costs..

CHIEF JUSTICE.

V.M.KANADE, J.